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11
12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

14
15 ANTONIO SANCHEZ OCHOA,

16 Plaintiff,

17 v.

18 ED W. CAMPBELL, Director of Yakima
19 County Department of Corrections;
20 SCOTT HIMES, Chief of the Yakima
21 County Department of Corrections; and
22 YAKIMA COUNTY,

23 Defendants.

24 NO. 1:17-cv-03124-SMJ

25 DEFENDANTS' ANSWER AND
26 AFFIRMATIVE DEFENSES

27
28 Defendants in answer to plaintiff's complaint for violations of civil
29 rights (ECF No. 1), admit, deny, and allege as follows:

30 1. Answering the first sentence of paragraph 1 of the complaint, said
31 sentence contains a general description of the plaintiff's lawsuit to which no
32 response is required. To the extent a response is required, defendants deny the
33 plaintiff's characterization of the defendants' policies, practices, and conduct

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35 DEFENDANTS' ANSWER
36 AND AFFIRMATIVE DEFENSES - 1

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3 and further deny that the plaintiff is entitled to the relief sought. Answering
4
5 the second sentence of paragraph 1 of the complaint, DHS Administrative
6 Warrants and regulations governing DHS speak for themselves. Answering the
7 third and fourth sentence of paragraph 1 of the complaint, defendants deny the
8 same.
9

10 2. Answering paragraph 2 of the complaint, said paragraph contains
11 a general description of the relief sought by the plaintiff in this lawsuit, to
12 which no response is required. To the extent a response is required, defendants
13 deny the plaintiff's characterization of the defendants' policies, practices, and
14 conduct and further deny that the plaintiff is entitled to the relief sought.
15
16

17 3. Answering paragraph 3 of the complaint, defendants admit only
18 that the plaintiff has alleged a cause of action arising under the Constitution
19 and the laws of the United States, including 42 U.S.C. § 1983, and that this
20 Court has jurisdiction over the plaintiff's claims pursuant to 28 U.S.C. § 1331.
21 Defendants deny that the plaintiff has a viable claim arising under the
22 Constitution and laws of the United States, including 42 U.S.C. § 1983.
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25 4. Answering paragraph 4 of the complaint, defendants admit the
26 same.
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30 DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 2

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3 5. Answering paragraph 5 of the complaint, defendants admit the
4 same.
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6 6. Answering paragraph 6 of the complaint, defendants admit the
7 same.
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9 7. Answering paragraph 7 of the complaint, defendants admit the
10 same.
11

12 8. Answering paragraph 8 of the complaint, defendants admit the
13 same.
14

15 9. Answering paragraph 9 of the complaint, defendants admit the
16 same.
17

18 10. Answering paragraph 10 of the complaint, defendants are without
19 information or knowledge sufficient to form a belief as to the truth of said
20 allegations, and therefore deny the same.
21

22 11. Answering paragraph 11 of the complaint, defendants admit the
23 same.
24

25 12. Answering paragraph 12 of the complaint, defendants admit the
26 same.
27

28 13. Answering paragraph 13 of the complaint, defendants admit the
29 same.
30

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3 14. Answering paragraph 14 of the complaint, defendants deny the
4 same.
5

6 15. Answering paragraph 15 of the complaint, defendants are without
7 information or knowledge sufficient to form a belief as to the truth of said
8 allegations, and therefore deny the same.
9

10 16. Answering paragraph 16 of the complaint, defendants admit only
11 to the existence of a Form I-200 dated May 4, 2017, which speaks for itself,
12 and deny each and every other allegation of said paragraph.
13

14 17. Answering paragraph 17 of the complaint, defendants admit only
15 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,
16 and deny each and every other allegation of said paragraph.
17

18 18. Answering paragraph 18 of the complaint, defendants admit only
19 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,
20 and deny each and every other allegation of said paragraph.
21

22 19. Answering paragraph 19 of the complaint, defendants admit only
23 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,
24 and deny each and every other allegation of said paragraph.
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3 20. Answering paragraph 20 of the complaint, defendants admit only
4 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,
5 and deny each and every other allegation of said paragraph.
6

7 21. Answering paragraph 21 of the complaint, defendants admit only
8 to the existence of a publicly accessible jail roster, which speaks for itself, and
9 further deny the plaintiff's characterization of same. Defendants are without
10 information or knowledge sufficient to form a belief as to whether a federal
11 court has issued a warrant for the plaintiff's arrest or sought to exercise
12 jurisdiction over the plaintiff, and therefore deny the same. Defendants deny
13 each and every other allegation of said paragraph.
14
15

16 22. Answering paragraph 22 of the complaint, defendants deny that an
17 immigration hold "designation" has been placed on the plaintiff, and further
18 deny each and every other allegation of said paragraph.
19
20

21 23. Answering paragraph 23 of the complaint, defendants admit only
22 that defendants are unaware of any Form I-247 material to this lawsuit, which
23 form would speak for itself, and further deny each and every other allegation of
24 said paragraph.
25
26

27 24. Answering paragraph 24 of the complaint, the paragraph contains
28 generalized statements of law to which no response is required. To the extent a
29
30 DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 5

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3 response is required, the law speaks for itself. Defendants deny each and every
4 other allegation of said paragraph.
5

6 25. Answering paragraph 25 of the complaint, defendants admit that
7 Chief Himes is one of the individuals responsible for implementing and
8 supervising Yakima County DOC policies and practices generally and deny
9 that Chief Himes is responsible for training related to Yakima County DOC
10 policies and practices generally, and further deny plaintiff's characterization of
11 any conduct by defendants as "immigration holds."
12

13 26. Answering paragraph 26 of the complaint, defendants admit only
14 to the existence of emails, which speak for themselves, and deny each and
15 every other allegation of said paragraph.
16

17 27. Answering paragraph 27 of the complaint, defendants admit only
18 that Mr. Campbell is the Director of the Yakima County Department of
19 Corrections and has the responsibilities of said position and deny each and
20 every other allegation of said paragraph.
21

22 28. Answering paragraph 28 of the complaint, defendants admit only
23 to the existence of an email dated March 16, 2017, which speaks for itself, and
24 deny each and every other allegation of said paragraph.
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30 DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 6

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3 29. Answering paragraph 29 of the complaint, defendants admit the
4 same.
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6 30. Answering paragraph 30 of the complaint, defendants admit the
7 same.
8

9 31. Answering paragraph 31 of the complaint, defendants deny the
10 plaintiff's characterization of said meeting, deny the existence of "immigration
11 holds" and deny each and every other allegation of said paragraph.
12

13 32. Answering paragraph 32 of the complaint, defendants deny the
14 same.
15

16 33. Answering paragraph 33 of the complaint, defendants deny the
17 same.
18

19 34. Answering paragraph 34 of the complaint, defendants admit to the
20 existence of correspondence from Columbia Legal Services and the Northwest
21 Immigrants Rights Project dated July 5, 2017, which speaks for itself, and deny
22 each and every other allegation of said paragraph.
23

24 35. Answering paragraph 35 of the complaint, defendants admit only
25 to the existence of a letter dated July 6, 2017, from defendant Ed W. Campbell,
26 which letter speaks for itself, and deny each and every other allegation of said
27 paragraph.
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30 DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 7

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3 36. Answering paragraph 36 of the complaint, defendants deny the
4 same.
5

6 37. Answering paragraph 37 of the complaint, defendants deny the
7 same.
8

9 38. Answering paragraph 38 of the complaint, defendants admit only
10 that DHS would likely take custody of plaintiff upon his release from the
11 custody of defendant Yakima County, and deny each and every other allegation
12 of said paragraph.
13

14 39. Answering paragraph 39 of the complaint, defendants admit that
15 plaintiff is in custody of the Yakima County Department of Corrections.
16 Defendants admit that the only bail required by defendant Yakima County is
17 that stemming from the state law criminal charges. Defendants are without
18 information or knowledge sufficient to form a belief as to whether other
19 jurisdictions such as the U.S. Department of Homeland Security may require
20 the plaintiff to post bail. Defendants deny each and every other allegation of
21 said paragraph.
22

23 40. Answering paragraph 40 of the complaint, defendants admit the
24 same.
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3 41. Answering paragraph 41 of the complaint, defendants are without
4 information or knowledge sufficient to form belief as to the truth of said
5 allegations, and therefore deny the same.

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7 42. Answering paragraph 42 of the complaint, defendants are without
8 information or knowledge sufficient to form belief as to the truth of said
9 allegations, and therefore deny the same.

10
11 43. Answering paragraph 43 of the complaint, defendants deny the
12 same.

13
14 44. Answering paragraph 44 of the complaint, defendants deny the
15 same.

16
17 45. Answering paragraph 45 of the complaint, defendants deny the
18 same.

19
20 46. Answering paragraph 46 of the complaint, defendants deny the
21 same.

22
23 47. Except to the extent specifically admitted herein, defendants deny
24 each and every remaining allegation of plaintiff's complaint.

25 **AFFIRMATIVE DEFENSES**

26
27 In further answer to plaintiff's complaint and as affirmative defenses,
28 defendants allege as follows:

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2
3 8.1 Plaintiff fails to state a claim upon which relief can be granted.
4

5 8.2 The plaintiff's claims are barred by the doctrine of waiver.
6

7 8.3 The plaintiff's claims are barred by the doctrine of estoppel.
8

9 8.4 The plaintiff's claims barred by the doctrine of res judicata.
10

11 8.5 The plaintiff's claims are not ripe.
12

13 8.6 The plaintiff lacks standing.
14

15 8.7 The plaintiff's claims are moot.
16

17 8.8 The plaintiff has failed to establish municipal liability pursuant to
18

19 *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978) and its progeny.
20

21 8.9 The plaintiff's claims are barred in whole or in part by
22

23 justification, privilege, and/or discretionary immunity and/or other forms of
24

25 immunity in favor of answering defendants' actions in furtherance of answering
26

27 defendants' obligations under the law and plaintiff's claims are contrary to
28

29 public policy.
30

31 8.10 The plaintiff's claims against individual answering defendants are
32

33 barred by the doctrine of qualified immunity.
34

35 8.11 The plaintiff's damages, if any, have been caused and/or
36

37 contributed to in whole or in part by the acts or omissions of others, including
38

39 plaintiff, and were not proximately caused by answering defendants.
40

DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 10

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IX. REQUEST FOR RELIEF

Having answered the allegations of the Complaint and pleaded affirmatively, Defendants requests the following relief:

1. That the Court dismiss the Complaint with prejudice or enter judgment for defendants;
 2. That defendants be awarded its costs and attorneys' fees as allowed by law; and
 3. For such other relief as the Court may deem just and equitable.

DATED THIS 20th day of July, 2017.

s/ KENNETH W. HARPER
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s/ QUINN N. PLANT
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CERTIFICATE OF SERVICE

I hereby certify that on July 19th, 2017, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Columbia Legal Services:

Lori Jordan Isely
Bernardo Rafael Cruz lori.isley@columbialegal.org
bernardo.cruz@columbialegal.org

Northwest Immigrant Rights Project:

Matt Adams matt@nwirp.org
Glenda M. Aldana Madrid glenda@nwirp.org
Leila Kang leila@nwirp.org

United States:

Erez Reuveni erez.r.reuveni@usdoj.gov
Vanessa R. Waldref Vanessa.R.Waldref@usdoj.gov

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ KENNETH W. HARPER
WSBA #25578
s/ QUINN N. PLANT
WSBA #31339
Menke Jackson Beyer, LLP
Attorneys for Defendants

**DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 12**

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DEFENDANTS' ANSWER
AND AFFIRMATIVE DEFENSES - 13

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